

REMARKS/ARGUMENTS

Favorable consideration of this application is respectfully requested.

Claims 1, 4, 6, 7, 11-15 and 18-20 are pending in this application. Claims 2, 3, 5, 8-10, 16 and 17 have been previously canceled without prejudice or disclaimer.

In the outstanding Office Action, Claims 1, 4, 6, and 19 were rejected under 35 U.S.C. §103(a) as unpatentable over Belu (U.S. Publication No. 2002/0033762, herein "Belu '762") in view of "Winzip" (hereinafter "Winzip" screenshot documents) and Videcrantz et al. (U.S. Patent No. 6,275,588, herein "Videcrantz"); Claims 7 and 11 were rejected under 35 U.S.C. §103(a) as being unpatentable over Belu (U.S. Publication No. 2002/0143792, herein "Belu '792") in view of Videcrantz and "Winzip" screenshot documents; and Claims 12-15, 18 and 20 were rejected under 35 U.S.C. §103(a) as unpatentable over Belu '762 in view of Videcrantz, "Winzip" screenshot documents, and Belu '792.

Applicant respectfully traverses the rejection of Claims 1, 4, 6 and 19 under 35 U.S.C. §103(a) as unpatentable over Belu in view of Videcrantz and "Winzip" screenshot documents, because, even if the artisan had some reasonable basis to combine these references they would not teach all the limitations of these claims.

Independent Claim 1 recites features in a format which invokes 35 U.S.C. § 112, 6th paragraph (means-plus-function format). To this end, MPEP § 2181 states:

Per our holding, the "broadest reasonable interpretation" that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. **Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination.** [emphasis added]

Applicant respectfully notes that each of the Request for Reconsideration filed September 13, 2007, the Pre-Appeal Brief Request for Review filed November 14, 2007, and the Request for Reconsideration filed April 24, 2008, have reiterated these requirements set

forth in 35 U.S.C. §112, sixth paragraph, and each corresponding Office Action has failed to properly address the assertion.

Accordingly, Applicant again notes that *Gechter v. Davidson*, 116 F.3d 1454, 1460, 43 USPQ2d 1030, 1035 (Fed. Cir. 1997) requires the PTO to construe the scope of the structures disclosed in the specification for the claimed "means," to explain how the "means" as disclosed in the specification are **structurally equivalent** to the relied upon elements embodied in the references to define the exact function of each claimed "means," as well as to explain how the relied upon reference elements are disclosed to perform the **identical functions**.

In other words, a proper analysis under 35 U.S.C. §112, sixth paragraph, MPEP § 2181 and *Gechter* **requires consideration of the corresponding structure described in the specification and equivalents thereof**.

To this end, Applicant respectfully submits that the outstanding Office Action fails to follow the above-noted analysis regarding each of the "compression means," "first generation means" and "encryption means," as recited in Claim 1. As such, the Office again fails to determine the scope of the structures disclosed in the specification for these claimed "means" and further fails to explain how these "means" as disclosed in the specification are structurally equivalent to the elements embodied in the relied upon references (Belu '762, Videcrantz and "Winzip" screenshot documents).

Accordingly, as the Office has failed to provide any analysis as to the "means" of Claims 1, 4, 6 and 19 and further ignores the requirements of 35 U.S.C. §112, sixth paragraph, MPEP § 2181 and *Gechter* to consider the corresponding structure, withdrawal of this improper rejection is respectfully requested.

Next, the outstanding Office Action states:

Belu discloses an information processing
apparatus and method comprising compression means for

combining and compressing a plurality of individual programs (“.exe” and “.dll” files) that are placed next to each other because they are determined to have the same “binary program” file type. Belu also groups files [sic] with the same file type are placed close together. Figure 2 shows the files are being grouped according to the programming language in which they were written **and the files have different instruction sets.**¹ [emphasis added]

However, Applicant notes that independent Claims 1 and 6 each recite “combining and compressing a plurality of individual programs that each include **a same instruction set.**”

Consequently, none of the cited references teach or suggest the features of independent Claims 1 and 6 in which the plurality of individual programs being compressed must “each include a same instruction set.”

Further, as neither Videcrantz nor “Winzip” screenshot documents describe this feature, and are not relied upon by the outstanding Office Action, Applicant respectfully submits that independent Claims 1 and 6 patentably define over Belu ‘762 in view of Videcrantz and “Winzip” screenshot documents.

Next, the outstanding Office Action at page 3, lines 2-4 states:

Belu additionally discloses having a file header that contains auxiliary data such as the names, sizes, compressed sizes, etc.

However, as stated above, the outstanding Action fails to follow the required *Gechter* analysis as it fails to properly construe the **exact** function of the “first generation means” that must **generate and output** the “first auxiliary data including a total number of individual programs combined and compressed by the compression means and a size of each individual program combined and compressed by the compression means.” Further missing is the required explanation as to how the relied upon reference elements are disclosed to perform the identical function.

¹ See the outstanding Office Action at page 2, line 19 to page 3, line 2.

Further, Applicant notes that independent Claim 1 does not recite “having a file header that contains auxiliary data such as the names, sizes, compressed sizes, etc.” as suggested by the Office Action. Applicant additionally notes that a **file header does not generate or output anything** by itself and thus is clearly not “equivalent” to the CPU disclosed in the specification (at page 11, lines 18-24).

Also, as further conceded by the outstanding Action, neither Belu nor Videcrantz teach or suggest the claimed function of “generating and outputting first auxiliary data including a total number of individual programs combined and compressed by the compression means” as recited in Claim 1. To this end, the Office Action cites to Winzip² screenshot documents as providing “a method and system for archiving multiple files.”²

However, the “Winzip” screenshot documents merely establish when “Winzip 8.0” was shipped and present the screenshot from page 2 enlarged on page 1 and hand labeled “Figure 1” with further hand labeling relative to an indication of “total 161 files.” Whatever can be said of the “Winzip” screenshot documents, it cannot be reasonably said that the enlarged screenshot labeled Figure 1 discloses how the display element “total 161 files” (hand labeled 2) was determined, what the partially obliterated indication of “?.708KB” (hand labeled 3) next to it means, much less how the “size” numbers in the rows with the file names were determined. Also missing are any “Winzip” screenshot documents teaching that the illustrated “total 161 files” is a total number of **compressed** files as recited in Claim 1.

In this last regard, the indication of “total 161 files” (hand labeled 2) is ambiguous as it does not state that a total of 161 files have been **compressed**. It is well established that such ambiguous showings subject to different interpretations cannot be relied upon. *See, e.g., In re Turlay*, 304 F.2d 893, 899, 134 USPQ 355, 360 (CCPA 1962). Further note the requirements for clarity and definiteness of disclosure that the controlling precedent requires.

² See the outstanding Office Action at page 3, lines 5-7.

Note, for example, *In re Hughes*, 145 USPQ 467, 471 (CCPA 1965) and *In re Moreton*, 129 USPQ 227, 230 (CCPA 1961).

Accordingly, independent Claims 1 and 6 patentably define over Belu '762 in view of Videcrantz and "Winzip" screenshot documents.

Further, as claims 4 and 19 depend from Claims 1 and 6, respectively, Applicant respectfully submits that these claims patentably define over Belu '762 in view of Videcrantz and "Winzip" screenshot documents for at least the same reasons stated above with respect to Claims 1 and 6.

As such, it is respectfully requested that the rejection of Claims 1, 4, 6 and 19 under 35 U.S.C. §103(a) as unpatentable over Belu '762 in view of Videcrantz and "Winzip" screenshot documents be withdrawn.

Applicant respectfully traverses the rejection of Claims 7 and 11 under 35 U.S.C. §103(a) as being unpatentable over Belu '792 in view of Videcrantz and the "Winzip" screenshot documents.

Once again, Applicant notes that independent Claims 7 and 11, recite "means-plus-function" claims that have not been properly construed as noted above relative to the *Gechter v. Davidson* decision as the outstanding Action lacks any attempt to define the exact function of each of the claimed "means," and to explain how the relied upon reference elements are disclosed to perform the identical function.

The outstanding Office Action cites paragraph [0088] of Belu '792 as describing "decompression means" as recited in Claims 7 and 11. As such, the cited paragraph of Belu '792 states "[t]he decompression engine, in state 606, decompresses the compressed input file... After decompression of the file to its original non-compressed form, the file is launched in state 608 with the appropriate application software for the given file." To this end, Applicant respectfully submits that one of skill in the art would clearly understand from

the disclosure of Belu '792, that only **a single file** is decompressed by the decompression engine.³ Additionally, by requiring application software to be associated with each decompressed file it is also clear that the compressed input file is not **“a plurality of encrypted combined and compressed individual programs”** as recited in Claims 7 and 11.

Accordingly, Claims 7 and 11 patentably define over Belu '792.

Next, the outstanding Office Action at page 5, lines 9-18 concedes that neither Belu '792 or Videcrantz teach or suggest “creation means” or “memory means,” as recited in Claim 7, and as similarly recited in Claim 11. However, the Office Action asserts that “Winzip” screenshot documents teaches this feature and that one of skill in the art would be motivated to combine these teachings to achieve the features of Claims 7 and 11. Applicant respectfully traverses this assertion.

Claim 7 requires the “creation means **operatively connected to the decryption means** for receiving the decrypted first auxiliary data and for creating **a management table about locations of individual ones of said plurality of individual programs based on said decrypted first auxiliary data**” and it requires a “memory means **operatively connected to receive the decompressed and combined individual programs from the decompression means and to receive the management table from the creation means** and for storing the decompressed and combined individual programs and said management table” (emphasis added). As such, Applicant respectfully submits that “Winzip” screenshot documents is completely silent regarding each of these features.

Notwithstanding the complete absence of features disclosed in Claim 7, the Office Action cites to figure 1 of “Winzip” screenshot documents as describing “a management table,” as recited in Claims 7 and 11. However, as stated in Applicants’ Request for Reconsideration filed April 24, 2008 (and not addressed by the outstanding Office Action),

³ See Belu '792 at paragraph [0059] specifying compression of the single input file 202 to produce the compressed input file data portion 206.

the screenshot that is labeled as figure 1 of “Winzip” screenshot documents is completely silent regarding a creation means for creating a management table about “locations of individual ones of said plurality of individual programs based on said decrypted first auxiliary data.” Whether or not each compressed file listed on the screenshot “maps to a specific location within the compressed file” as stated in the Office Action is irrelevant, as neither Claims 7 nor 11 recite such a feature.⁴ As such, the disclosure of “Winzip” screenshot documents does not convert the screenshot into the claimed management table having the claimed location information “based on said decrypted first auxiliary data” (emphasis added).

Thus, the disclosures of Belu ‘792 in view of Videcrantz and “Winzip” screenshot documents, whether considered individually or in combination do not teach or suggest “creation means” or “memory means” as recited in Claim 7, and as similarly recited in Claim 11.

Accordingly, it is respectfully requested that the rejection of Claims 7 and 11 under 35 U.S.C. §103(a) be withdrawn.

Applicant respectfully traverses the rejection of Claims 12-15, 18 and 20 under 35 U.S.C. §103(a) as unpatentable over Belu ‘762 in view of Videcrantz, “Winzip” screenshot documents, and Belu ‘792.

As noted above, the outstanding Action is in error in failing to address all of these added means limitations and the associated functions of at least independent Claim 12 and those added by dependent Claim 13 as required by the above noted *Gechter* decision. In this regard, page 6 of the outstanding Action completely ignores all of the added “means” of Claim 12 that are not recited in Claims 1 and 7 except for the “execution means.” To this end, the outstanding Office Action cited paragraph 99 of Belu ‘792 as reciting “execution means for receiving and executing said predetermined one of the plurality of combined

⁴ See the outstanding Office Action at page 5, lines 19-20.

individual programs,” as recited in independent Claim 12, and as similarly recited in independent Claim 18.⁵ However, as stated above, Belu '792 merely describes a **single file transformed into the universal self-executing file**, and does not receive or execute a **“predetermined one of the plurality of combined individual programs,”** as recited in the extracting means of independent Claim 12, and as similarly recited in Claim 18. Similarly, Videcrantz has no such teaching.

Thus, Applicant respectfully submits that independent Claims 12 and 18 patentably define over Belu '762 in view of Videcrantz, “Winzip” screenshot documents, and Belu '792.

Further, as Claims 13-15 and 20 depend from independent Claims 12 and 18, respectively, Applicant respectfully submits that these claims patentably define over Belu '762 in view of Videcrantz, “Winzip” screenshot documents, and Belu '792 for at least the same reasons discussed above with respect to Claims 12 and 18.

Accordingly, Applicant respectfully requests the rejection of Claims 13-15 under 35 U.S.C. §103(a) as being unpatentable over Belu '762 in view of Videcrantz, the “Winzip” screenshot documents, and Belu '792 be withdrawn.

⁵ Note, however, the Office Action dated June 14, 2007, which states at page 5, lines 10-12 “Belu and Videcrantz do not disclose execution means for receiving and executing said predetermined one of the plurality of combined individual programs.”

Application No. 10/743,088
Reply to Office Action of 7/22/2008

Consequently, in light of the above discussion this application is believed to be in condition for allowance and an early and favorable action to that effect is respectfully requested.

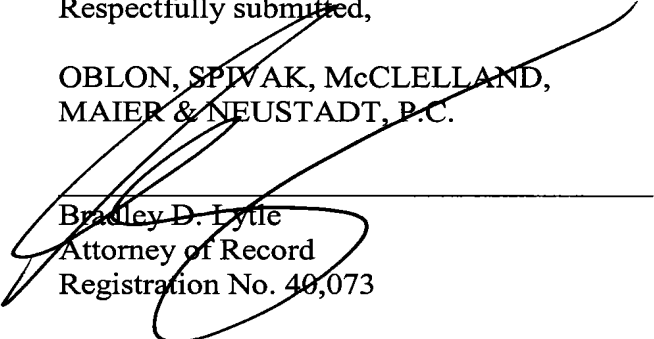
Respectfully submitted,

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